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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,087	08/06/2003	Philip W. Bancroft	26545 USA	7230

7590

02/07/2005

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EXAMINER

BASTIANELLI, JOHN

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,087

Applicant(s)

BANCROFT ET AL.

Examiner

John Bastianelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) 11-18, 21, 27-35, 38, 48-55, 58, 62-70 and 73 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 19, 20, 22-26, 36, 37, 39-47, 56, 57, 59-61, 71, 72 and 74-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/6/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species III of Figure 8 in the reply filed on November 24, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 1-10, 19-20, 22-26, 36-37, 39-47, 56-57, 59-61, 71-72, and 74-76 are examined below.

Claim Objections

2. Claims 4 and 40 are objected to because of the following informalities: In the claims, "on said one surface" is not referenced in the previous claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4, 6-10, 19-20, 22-23, 25-26, 36-37, 39-40, 42-43, 45, 47, 56-57, 59-60, 71-72, 74-75 are rejected under 35 U.S.C. 102(b) as being anticipated by Renaud US 4,385,747.

Renaud discloses a seal adapted for use with a valve having a valve closing member 16 rotatably mounted within a housing 11, said seal 20 having a flexible, resilient loop having a perimeter sealing surface (A to B) and a perimeter mounting surface (C to D) positioned substantially

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opposite to said perimeter sealing surface, said perimeter sealing surface being engageable with one of said valve closing member and said housing to sealingly close said valve, said perimeter mounting surface being engageable with the other of said valve closing member and said housing for mounting said loop within said valve; a first surface (A to D) extending between said perimeter sealing surface and said perimeter mounting surface; a second surface (B to C) positioned opposite to said first surface and extending between said perimeter sealing surface and said perimeter mounting surface; and a channel 28 positioned on one of said first and second surfaces and extending from said perimeter mounting surface toward said perimeters sealing surface. The mounting surface engages the housing. There are a plurality of channels. The loop is circular. The perimeter sealing surface is seen as wedge-shaped, curved or asymmetrical. A void space is seen as positioned on the perimeter mounting surface (28 is seen as part of the perimeter mounting surface) and is seen as defined by a raised surface extending outwardly and extends around the perimeter mounting surface (corner of seal 20 between D and C).

5. Claims 1, 3-10, 22, 24-26, 39-42, 44-47, 59, 61, and 74-76 are rejected under 35 U.S.C. 102(b) as being anticipated by Fawkes US 3,409,269.

Fawkes discloses a seal adapted for use with a valve having a valve closing member 112 rotatably mounted within a housing 110, said seal 130 having a flexible, resilient loop having a perimeter sealing surface 158 and a perimeter mounting surface 152 positioned substantially opposite to said perimeter sealing surface, said perimeter sealing surface being engageable with one of said valve closing member and said housing to sealingly close said valve, said perimeter mounting surface being engageable with the other of said valve closing member and said housing for mounting said loop within said valve; a first surface 147a extending between said perimeter

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sealing surface and said perimeter mounting surface; a second surface 147b positioned opposite to said first surface and extending between said perimeter sealing surface and said perimeter mounting surface; and a channel 154 positioned on one of said first and second surfaces and extending from said perimeter mounting surface toward said perimeters sealing surface. The mounting surface engages the valve. There are a plurality of channels. The loop is circular. The perimeter sealing surface is seen as wedge-shaped, curved or asymmetrical. A void space is seen as positioned on the perimeter mounting surface (the channel is seen as a void space).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stager, Kubo, and Panigati disclose valves with seals having channels and void spaces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (571) 272-4921. The examiner can normally be reached on M-F (9:00-6:30).

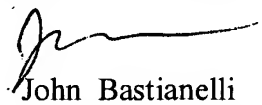
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JB
February 3, 2005



John Bastianelli
Primary Examiner
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